## **HEALTH MEN CLEANING UP CITY**

DARLINGTON'S FORCE TACKLES ACCUMULATION OF GARBAGE.

Some Employees Wouldn't Take Strikers' Places and Are Fired-Bonfires in Streets -Public Health Menaced, Mayor Decides - Drivers Offer to Arbitrate.

The Health Department, by direction of the Mayor, stepped in yesterday afternoon to help clean up the city's streets. The accumulation of four days garbage and refuse piled in gutters and evil smelling cans became so intolerable that Mayor McClellan, after a conference with Commissioner Craven, decided that the only way out of the mess was to call in Dr. Darlington's department.

Commissioner Darlington turned the matter over to Dr. Walter Bensel, Assistant Sanitary Superintendent, who straightway got busy collecting a force of men to remove the garbage from the districts that were suffering most as a result of the street cleaning drivers' strike. After a flying trip from one end of Manhattan to the other he decided that the lower East Side should be tackled first. Fifty laborers and mechanics employed in various branches of the department were called upon. They finished their regular work at 4 o'clock yesterday to Dr. Bensel. They were sent to Stable of the Street Cleaning Department, at Seventeenth street and Avenue C, and to Stable G, on Hamilton street. They manned street cleaning carts and started in to remove the accumulated refuse from Allen, Chrystie, Forsyth, Cannon, Delancey, Essex and other East Side streets.

Dr. Bensel feared to put all the men he had at his command to work, because he believed the number of policemen detailed to guard them was inadequate.

A call for volunteers was sent to the hosoital on North Brother Island and to the Kingston Avenue Hospital, Brooklyn, where a hundred or more laborers and mechanics are employed by the Board of Health. Fifty-five men refused to engage in the reief work, saying they didn't want to take the place of strikers. Dr. Bensel discharged the fifty-five men, and he said last night that they will not get their jobs back as ong as Dr. Darlington is in charge.

We thought our men would be loyal to the department in an emergency like this," Dr. Bensel said last night, "and we were orely disappointed when we learned that the men refused to do the work. However, we gathered together a sufficient force of men to start things going in the Ghetto, where conditions are deplorable, and if the night wouldn't be beset with dangers we could put a still larger force removing the garbage to the dumps. We have to safeguard the interests of our volunteers, and as there aren't enough policemen on hand to insure protection for all of them we are letting things go easy for to-night. The men have made a splendid start on the East Side to-night and they will keep at work until morning, when they will be relieved.

Dr. Bensel said that 300 men that have been furnished by a contractor will tackle the East Side streets this morning, while another force will invade Little Italy, in the vicinity of 120th street, First, Second and Third avenues.

One hundred men employed in the Otisville Sanitarium, at Otisville, N. Y., started last night for this city prepared to go to tork this morning to aid the Board of

All vesterday and last night housewives on the East Side and in other sections of the city were burning their garbage in the streets. The policemen were instructed to a low them to violate a city ordinance in two of the conditions. The stench that filled the air added to the discomfort.

Under the Charter the Health Department has ample powers. The law provides that in the presence of great and imminent peril to the public health by reason of imrending pestilence the Health Board shall take such measures as are necessary to preserve public health and shall spend what money is necessary.

The Mayor made up his mind yesterday, after complaints had been received from all parts of the city and he had been waited on by deputations of indignant citizens. that there was danger enough of the rotting garbage spreading pestilence to warrant an order to the Health Department. The strike of cartmen had crippled the Street Cleaning Department so badly that Comdissioner Craven was unable to make much ogress in removing refuse. There seemed likelihood of the strike being settled at

The Mayor authorized the Health Commissioner to spend money from the Health Department's emergency fund and if that wouldn't cover the expense to apply for more to the Board of Estimate. Along the same lines the Mayor directed ommissioner Craven to hire extra cartmen for the Street Cleaning Department and to go outside the civil service eligible list to get plenty of men.

So far as the strike went the situation was unchanged. Throughout the city, particularly on the East Side, garbage piled up. The striking cartmen, about 400 in number, made no further effort toward a settlement, Commissioner Craven said, but made renewed demands. Some of them asked that Deputy Commissioner Bill Edwards, the old Princeton football player, be transferred. They complained that he was harsh and drove his men too hard. They paid no attention to that comlaint at the department.

"Mr. Edwards." said Commissioner Craven's secretary, "is a disciplinarian. He made the cartmen do their work and they didn't like it."

A committee of the strikers sent out a statement to the newspapers last night detailing their grievances and adding

I this city to know that we are willing to which to work at once under conditions as \* existing if Commissioner Craven will one man and we select another hese two men select a third man, who shall quire into the justice of our cause, and we ledge ourselves to abide by whatever de-

islon they may arrive at. Most of the strikers will lose their jobs all probability. Under the law emloyees of the Street Cleaning Department who are absent from duty five days forfeit their jobs. The men had been out five days last night and few of them returned work yesterday. If they don't go back to work an entirely new lot of men will be

There were a few fights and some brick

throwing when the carts with picked up drivers started out yesterday morning. A

crowd of strikers and their sympathizers at Fifteenth street and Avenue C jeered at the drivers and the policemen who guarded them. At Twelfth street and Avenue A strikers attacked drivers and helpers from the roofs, throwing bricks. One or drivers were bruised and a bicycle policeman, Edward S. Smith, was hit by a brick. One driver quit the job on the spot and five helpers decided they didn't want to work any more, but most of the carts went ahead trying to reduce the hills of garbage and refuse.

The striking cartmen tried yesterday to get the 2,000 sweepers to join them on strike. They sent an ultimatum to Commissioner Craven yesterday morning which said that unless their demands for an increase of pay from \$720 to \$800 a year, overtime at the rate of 25 cents an hour and return of fines were granted and a long string of other grievances satisfied they would force the sweepers out. Commissioner Craven paid no attention to the ultimatum, he said, because he had satisfied himself that the sweepers were satisfied and loval to their

### EXTEND TELEGRAPH WAR.

President Small Says He'll Make a Fight Here if Companies Remain Obdurate-SAN FRANCISCO, June 28 -- Sam Small,

president of the Commercial Telegraphers' Union, threatened to-day that the war would be carried into New York city if the Western Union and Postal telegraph companies did not soon assume a different attitude afternoon, and two hours later they reported toward the San Francisco strikers He

> "We will go down into Wall Street and carry our fight among big business interests in order to secure the concessions we demand.

> This is the first hint Small has given as to his plan of campaign. The situation here shows no change. Both companies declare they are handling their business in a satisfactory manner, while the strike leaders assert that the tieup is complete.

United States Labor Commissioner Charles P. Neill arrived in this city from Washington last night and went to the Fifth Avenue Hotel. It is said that his mission is to bring about a settlement of the strike in San Francisco if possible, as before it was ordered he had been under the impression that the whole trouble between the telegraphers and the Western Union and Postal telegraph companies had been settled. He will try to ascertain who broke the agreement by which the strike was declared off.

Mr. Neill would not discuss the subject

last night. He said: "I am not at liberty just now to say what intend doing in this city. For me to commit myself at this time to any definite statement regarding my errand here at this time would work great harm to the interests involved. Although I am here on an important mission I am not in a position at the present moment to make any statement concerning my business here or my immediate plans."

## WALKER NAMEU IN SCANDAL.

Woman Detective Hixes Him in Divorce Sutt -Says He Is to Wed E. H. Harriman's Nicor. DENVER. Col., June 28 .- A divorce complaint naming Wilfred Walker, son of Walker, as corespondent, John Brigben has been filed by Leslie Deremer, a young man whose father died recently, leaving half a million.

Deremer's wife was an hour ahead of him suing for divorce and \$25,000 alime

Mrs. Doremer's father is a plumber and the couple have not been married long. Doremer's mother was Annie Roach. whose beauty made her a reigning belle in Washington. President Arthur said she the most beautiful woman who entered the White House the winter she was pre-

sented there. Deremer's complaint alleges adultery. He employed a woman detective who be came an intimate of his wife and whose affidavit tells of numerous instances of faithlessness on the wife's part.

Walker denies even an acquaintance with Mrs. Deremer, and to emphasize his assertion of innocence announced this morning that he was engaged to Miss Ada Woodruff of New York, a niece of E. H. Harriman, whom he says he will marry on her return from Europe in the autumn.

"It is an outrage to connect my boy with that scandal," said John Brisben Walker.

#### \$30,000 WORTH OF JEWELRY GONE. Sergius Says So, at Least -Accuses Brother

of Stealing the Antiques. Emilio Sergius of 224 Thompson street. who works for a William street jeweller. went to the Mercer street station last night and reported that his brother, Nuncio, who lived with him, had broken into a trunk and stolen \$30,000 worth of antique jewelry

which he came here to dispose of. Emilio said that his father, a jeweller in Rome, died a year ago, leaving his six children a valuable collection of antique jewelry He said that he was deputized by his brothers and sisters to bring the collection to this country and offer it for sale." Sir Caspar Purdon Clarke had the collection at the Metropolitan Museum for a time and put a valuation of \$30,000 on it, Emilio said.

Emilio declared that Nunzio, who came here to help him sell the jewelry, left a letter in the place of the missing jewelry, saying that he was going back to Italy. The police sent out an alarm for Nunzio and sent detectives out looking for him.

#### MASTER NAMED IN EDDY CASE. Judge Aldrich is Directed to Take Evidence as to Mrs. Eddy's Competency.

CONCORD, N. H., June 28.-Judge Chamberlin of the Superior Court to-day forwarded to the clerk of the Merrimack county court an order appointing the Hon. Edgar Aldrich, Justice of the United States Edgar Aldrich, Justice of the United States Circuit and District courts for New Hamushire, master to hear and determine the question of Mary Baker G. Eddy's competency in the equity suit Eddy vs. Frye. The order instructs the master to hear all rertinent evidence, either orally or by affidavits, and places ino limitations of a

specific nature.

The counsel on both sides agreed at a conference held here to-day to postpone the date for beginning to take depositions from July 1 until July 8. The order instructs the master to conduct the hearing so that a report can be made by September 20.

## Warrant Out for British General

Special Cable Despatch to THE SUN. LONDON, June 29 .- The Express says that warrant has been issued for the arrest of a distinguished retired British General for fraudulent conversion of money belong-ing to an army charity. The General was lately in financial difficulties and disappeared. The police are looking for him.

# X-SCIENTIST FOUND GUILTY

BYRNE LET HIS CHILD DIE WITH-OUT MEDICAL ATTENDANCE.

He Is Paroled Until Move for New Trial Can Be Made -Says Science Saved Him From Bright's Disease-Did Not Wilfully Keep Physician Away From Daughter.

The Court of Special Sessions found Clarence W. Byrne, the dry goods salesman and Christian Scientist, guilty yesterday of violating Section 288 of the Penal Code in having wilfully neglected to provide medical attendance for his six-year-old daughter Violet and permitting her to die of pneumonia on May 4 last with no other attention than that provided by a Christian Science healer

Lawyer D. M. Steele of 15 William street, who was retained yesterday morning by the Christian Scientists when they read in the morning papers that Byrne keenly felt that he had been deserted by them, moved for a new trial and an arrest of judgment. After a consultation the Justices said they would decide the motions on July 12. They then paroled Byrne.

Dr. Albert E. Weston, who was the first witness, said he had made an autopsy and had found only one lung partially affected. He declared that with medical attendance the child would have recovered. He said Mr. Byrne had told him the child had been ill for about four days and that no medical attendance had been summoned because he did not believe in it for religious reasons.

"Have you ever known of a case where a child has been cured of pneumonia without medical attendance?" asked Justice

"I never have," said Dr Weston. Coroner Acritelli told how Byrne had declared that he had not called in a physician because he flid not believe in their efficacy. He said Byrne had told him that "for the sake of the peace" he might have called one in had he felt convinced that Violet was dying, but as for treatment he would as soon admit a rattlesnake to his

Miss Mabel Byrne, 18 years old, sister of the dead child and one of two children left out of a family of twelve, told briefly of the child's illness and said no medical practitioner had been called.

Lawyer Steele then moved to dismiss on the ground that Byrne had the right under the Constitutions of both the United States and this State and the laws of both to use whatever means he himself deemed best for the recovery of the child and that he had the right to call in either a medical or Christian Science practitioner. Justice Mc-Kean said the motion was denied for the moment. Justice Deuel then asked Mr. Turnbull what evidence the People had to convict Byrne outside of his own confession, insisting that it alone was not sufficient without corroboration in every element. Mr. Turnbull then called Miss Byrne

back to the stand and she gave additional testimony to that end. The defendant was then put on the stand He said he had noticed the child's illness four days before she "passed over," as he repeatedly called her death. He said he had at once given her treatment, the same treatment that had several times rescued her from other diseases, which he called "error." It was the very treatment, he said proudly, that had saved

him from the undertaker. "Materia medica turned me over to the undertaker with incurable Bright's disease and Science saved me, thank God. and if ever there is a healthy man now I am one," said Byrne.

He said the child responded immediately every time he treated her. He knew she felt better because she sat up, was brighter and once had thrown her arms about his

"My dear, good papa, I want to love you, she said," testified the witness with just a

little moisture in his eyes. But on the third day of her illness he that "the error had come back" and had asked little Violet if she did not want him to send for John L. Roberts, second reader of the Fifth Church of Christ, Scientist, of which they were members. The child said she would like to have Mr. Roberts come, and he did, giving her one treatment in the house and subsequently giving her absent

treatment. "Thirty minutes before she passed out she was much better," he said, "and up to the very last moment I believed that God would restore her to me as He did many times before.

Lawyer Steele called the Court's attention to the language of the statute which made the crime charged "wilful" refusal to call in a doctor.

Did you wilfully refuse to give your child medical aid?" Steele asked the witness. "I did not. If she had asked it I would have given it to her, and God knows, any-

thing else that would help her." you thought she needed medical treatment you would have secured it?" "Indeed I would have done anything she had wanted. If she had asked for materia

medica she would have got it." At this point Mr. Steele said he would rest and renewed his motion to dismiss. It was denied The verdict was then announced.

The Court granted permission, the Assistant District Attorneys assenting, to Lawyer Champe S. Andrews for the County Medical Society also to submit briefs on the two motions pending for a new trial and arrest of judgment.

When They Were Waited On by Working Walters at Terrace Garden Dinner.

The banquet of the waiters who have been holding a convention here was held last night at Terrace Garden. About 100 attended. D. B. Brillow, a Chicago lawyer, was tosstmaster. There was only one woman present. She was Mrs. Oscar Hahn, wife of a representative to the convention from the Directorium, at Dresden, Germany. Hugo Ernst, a waiter from San Francisco, talked about the restaurants of his town before and after the earthquake. Joseph F. Becker of Chicago and Thomas McDaniel of Boston also spoke. The waiters that waited upon the diners leat night are not members of the union.

last night are not members of the union. There was considerable speculation in certain circles as to the tips that would be given to the waiters that waited on the waiters last night. The tip, however, was presented en masse and the Terrace Garden menials hadn't split up at a late hour.

After all, USHER'S the Scotch that made the highball famous .- Act.

FIFTH AVENUE HOTEL TO GO. JOHN D. AGAIN INACCESSIBLE Present Owners Will Put Up a 25 Story Building on the Site.

The Fifth Avenue Hotel, one of the most famous in the country, is to be torn down and a modern twenty-five story office building is to be erected on the site. A syndicate composed of Henry C. and Henry Lane Eno, father and son, and a third person, a manufacturer whose name has not been disclosed, has been organized to carry out the plan. Articles of incorporation are to be filed within a few days.

and Fifth avenue. Actual construction will be commenced by May 1 of next year, when the present lease held by Hitchcock. Barling & Co. will expire.

The new company will occupy offices in the

Brunswick Building, Twenty-sixth street

The Fifth Avenue Hotel and the Madison Square Theatre occupy jointly a plot of about twenty-one lots. The site is considered one of the most valuable in the city and its worth has been rising gradually until a conservative estimate places the present market value at \$7,000,000. At an auction sale held in April, 1900, to settle the estate of the late Amos R. Eno, the site was bought in for \$4,225,000 by the Fifth Avenue Hotel Land Company, composed of heirs of the estate. Henry C. and Henry L. Eno bought out the rights of the other beirs a short time after and took title in their own name.

Since then frequent rumors have been circulated to the effect that the hotel had been sold and that a modern skyscraper was to be erected on the site. These rumore were emphatically denied, but the announcement of the present project has been definitely confirmed.

The Fifth Avenue Hotel was erected by Amos R. Eno in 1859 on the site of a famous roadhouse. At that time Madison Square was little more than a rocky pasture and the business interests of the city were all below Bleecker street. Despite predictions of failure from all sides, the hotel flourished and rapidly increased in popularity. Distinguished men made it their headquarters when in New York and the register bears the names of men of letters and officials high in national affairs

It was here that the movement to nomi nate Gen. Grant for the Presidency had its origin. The present King of England, at that time Prince of Wales, stopped at the hotel in the early '60s.

The Republican party immediately after its organization selected the Fifth Avenue Hotel as its State and later on as its ational headquarters. For many years theresiter Thomas C. Platt, then Republican boss of the State, lived at the hotel and here the "Amen Corner" made a national reputation

SCHIFF VISITS PREST. M'CREA. Banker Goes to Philadelphia to Discuss

P., B. & W. Loan. PHILADELPHIA, June 28 .- Jacob H. Schiff of Kuhn, Loeb & Co. visited Broad street station to-day to discuss the new Philadelphia. Baltimore and Washington loan with President James McCrea of the Pennsylvania Railroad. Mr. Schiff arrived at noon and went directly to the office of Mr. McCrea. He remained an hour

There has been much speculation as to how large a loan the P., B. & W. stockholders at their special meeting on July 1 will be asked to authorize. \$7,000,000 having been talked of

The fact that Mr. Schiff came here led many to believe that the loan is to be much larger than was originally intended, and some bankers place the amount as high as

#### CASSIDY'S AUTO HELD UP. Ex-Borough President's Chauffeur Arrested -Se Is Tod Sloan.

Frank A. Robbins, driver for ex-President Joseph Cassidy of Queens borough, was arrested yesterday afternoon for automobile speeding as he was leaving the Sheepshead Bay racetrack. Mr. Cassidy was in the machine, and going to the station

house with his driver put up \$100 cash bail. Tod Sloan, the jockey, was nabbed for speeding while on his way to the track. Bicycle Policeman Culbertson spotted him on Flatbush avenue going at the rate of thirty miles an hour.

"I'm Tod Sloan," said the little man then the policeman halted him. "How do I know you are? Come along to the station house so that I can find out,

said the policeman. Tod put up \$100 cash and then hurried to the track.

FOR IMPROVEMENT OF THE NAVY. Secretary Metcalf Calls for Suggestions From Officers of the Service.

WASHINGTON, June 28 .- Secretary of the Navy Metcalf to-day issued an order inviting officers of the navy to submit to him suggestions which in their judgment would tend to improve the efficiency of the service. He points out that the suggestions should concern things and methods and not a criticism of persons, and should in each instance be accompanied by a well digested plan for improvement.

These suggestions when received will be submitted to a board especially appointed for the purpose of consideration and recommendation. Before issuing the order Secretary Metcalf talked over the subject with the President and obtained his approval of the departure.

Negroes Want to Form a Regiment. ALBANY, June 28 .- Capt. A. J. Thompson of New York, who commanded an Ohio company in the Spanish-American war, beaded a delegation of about fifty pegroes CHANCE FOR WAITERS TO TIP who waited upon Gov. Hughes at the executive chamber this afternoon and asked tion of a negro regiment in the National Guard. The application would provide for two battalions to be located in New York city and one battalion up the State. The Governor promised to give the matter consideration

## Six Minutes to a Case

In discharging the June Grand Jury yesterday Judge Foster complimented members on the work they had done. He called attention to the fact that they had dismissed a number of complaints, and that they had not filed unnecessary indictments. Under a new law, he said, there would be two Grand Juries in the future, which would give them more time for the consideration of cases. In the past, the Judge said, the of cases. In the past, the suage said, in Grand Jury only averaged six minutes for

Clear, cool air; cold orpetal streams, health and omfort, day or night, in the White Mountains, write W. S. Noyes, Littleton, N. H.—Ade.

NO SUBPŒNA SERVER CAN GET NEAR HIM AT PITTSFIELD.

Daughter's Farm Where He is Staying Closely Gnarded -Launch With Searchlight Makes Waterfront Safe-Court Summons Sends Him Into Seclusion.

PITTSFIELD, Mass., June 28.-Mrs. E. Parmalee Prentice, who is at Onota Farm for the summer is entertaining her father, John D. Rockefeller, and the estate is under strong guard to prevent Mr. Rockefeller. being disturbed by process servers.

The lake front of the property is patrolled by a new launch put on the lake this week by Mr. Prentice and in charge of Mr. Rockefeller's own employees. The boat is equipped with a searchlight

which sweeps the waters to prevent the approach of craft of any description. . The much sought oil man arrived late last night and was met by Mr. Prentice, who

escorted him to a closed carriage, waiting in a secluded spot back of the station. He was driven to the estate where his daughter is living and to-day he has been looking over the property.

A fine Jersey bull, the head of the herd on the place, has been showing signs of

ugliness of late and was killed yesterday

so that Mr. Rockefeller might not be in

danger of being tossed while seeing the broad acres of the farm. A reporter drove out to the place, which he found closely guarded. He was politely informed that he could not approach the house and all questions as to

Mr. Rockefeller were parried. It is reported that he came here to see he Onota property, which he contemplates purchasing for his daughter. She has occupied the estate since April and is very much pleased with it. It is owned by Henry C. Valentine, the New York varnish manufacturer, and includes some four hundred acres with a large frontage on the lake.

CRICAGO, June 28.-Judge Landis refused the plea of John S. Miller, chief counsel for the Standard Oil Company, for the withdrawal of the subpœna for John D. Rockefeller. Mr. Miller's statement that Mr. Rockefeller, though president of the Standard Oil Company of New Jersey, has not the information sought by the Court, and that he is an old man and wealthy, with many business interests, did not appeal to Judge Landis. In addition to his refusal to recall the summons for Mr. Rockefeller he directed that subpornas be issued also for the vice-president and secretary-treasurer of the Union Tank Line Company. Judge Landis said:

It is inconceivable that the president of a company does not know whether it owns another company. I want to know whether the Standard Oil Company of New Jersey owns the Standard Oil Company of Indiana the defendant in this case. I want this information and all that I have asked for, and I intend to have it if such a thing is possible.

Subpoenas were served on W. P. Cowan, vice-president of the Standard Oil Company f Indiana, and G. W Stahl, secretary and reasurer, to-day. There was no attempt to evade service United States Marshal Henkel yesterday

received subpænas from Chicago to serve on officials of the Standard Oil Company, citing them to appear before Judge Landis in the Federal Court in that city on July 6. Marshal Henkel personally served the papers on John D. Archbold, vice-president of the Standard Oil Company; Charles T. White and William P. Howe, assistant secretaries; J. A. Moffett, president of the Standard Oil Company of Indiana, and H. E. Felton, president of the Union Tank

Line Company. H. H. Rogers and William H. Tilford are in Europe, and John D. Rockefeller, William Rockefeller and C. M. Pratt are out of town and have not yet been served-Marshal Henkel expects to reach the three last named in a few days.

## SCHOONER HITS STEAMSHIP. Mishap in the Fog. With Little Damage to

Either. The Austrian steamship Giulia, in vesterday from the Mediterranean, while going at half speed through a dense fog two miles west of Nantucket lightship on Thursday morning came upon the four masted schooner Maude Palmer, so quickly that the liner could not clear. The schooner had sounded her foghorn just before she appeared on the starboard bow of the steamship.

Capt. Cherubina put his helm hard over but could not prevent a smash. The long the starboard light and her bow scrape the starboard side of the Giulia. Many of her passengrs were awakened by the shock and flooked upon deck. The liner hailed the schooner and found that she had not port News from Boston in ballast.

## TWO SOFT COAL INDICTMENTS. Grand Jury Accuses a Subsidiary of

B. R. T. Company. The Grand Jury in Brooklyn yesterday handed down two indictments in the County Court against the Transit Development Company, a subsidiary of the B. R. T. Company, for using soft coal in the Kent avenue and Third avenue power houses. avenue and Third avenue power houses. Several leading citizens appeared before the Grand Jury and told of the widespread nuisance resulting from the use of an inferior coal in the power houses.

Judge Fawcett said that the indictments were timely and of genuine benefit to the

were timely and of genuine benefit to the people of the borough and expressed the hope that the action of the Grand Jury would put a quick stop to these flagrant violations of the law. He gave the company two days to plead to the indictments.

The company maintains that it is using every possible effort to have the nuisance

GIFTS FROM ALFRED MOSELY And the British Teachers to Board of Education Officers.

Sir Alfred Mosely, who brought 500 British school teachers to this country last winter, sent to City Superintendent Maxwell and several members of his staff a number of presents. They arrived yesterday and were inspected and admired by the officers of the administrative bureaus of the Board of Education.

There was a handsome silver loving cup for Dr. Maxwell and a silver and glass ink and pen stand for Josiah H. Pitts, his pri-

The teachers sent a fine travelling case and a manioure set to Miss Nell Morton-Mimne, the stenographer. The presents, the British teachers said, were sent with grateful remembrances for many courtesies and kindnesses shown to them in this

HUSBAND ASKS ALIMONY.

Novel Application by a Breeklyn Man in Counter Suit Against Wife.

An unusual application was made before Justice Blanchard in the |Supreme Court yesterday when Anton Anstett of 386 Palmetto street, Brooklyn, who is said to own real estate valued at \$500,000, asked for alimony and counsel fees pending the trial of his suit for annulment of his marriage with his wife, Evelyn Anstett. The pair were married on the evening of August 4 last year, and separated the next morning.

Anstett asked for an annulment on the round that his wife had deceived him. Mrs. Anstett has a suit pending against her husband alleging cruel and inhuman treatment. In his complaint Anstett sets forth that when he found that his wife had deceived him she said:

"I will not ask you about your past life. You must take me as I am, asking no questions about my past."

Anstett says he was a widower before ne married the woman he is now suing. Justice Blanchard reserved decision on Anstett's application.

#### BREAKING AUTO RECORDS. S. F. Edge Shatters Old Figures in Twentyfour Rour Race.

Special Cable Despatch to TRE SUN. LONDON, June 28 .- S. F. Edge, the automobilist, started at 6 o'clock this evening at the new Brookland cement motor track in his attempt to break the world's 24 hour record. He immediately began killing British records. He finished the first hundred miles in a fraction over 1 hour 25 minutes. At the end of six hours, including two stops for petrol and water, he had

covered 407 miles 60 yards. In the event of a tire failing a new wheel will be fitted. It has been found possible to replace all four wheels in 1 minute 25 seconds. Edge is using a six cylinder Napier car. Two other cars of the same make are running with him. Both of them have beaten the records, but both are behind Edge.

#### NO PERMITS FOR JAPANESE, San Francisco Officials Open the Way for a Test Case of Treaty Rights.

SAN FRANCISCO, June 28 .- The Board of Police Commissioners has denied the application of five Japanese for the privilege of renewing their permits to keep intelligence offices in this city and has rejected two Japanese applicants who desired new permits for the same business, on the ground that the applicants were not citizens of the United States and that the policy of the board had been to give the preference to

In giving the decision of the board President Hagert suggested that the refusal to grant permits would open the way for a lecision in court as to the extent of the ights of Japanese under the treaty between the United States and Japan should the applicants desire to take the matter into

STEEL RAIL MEN MAKE A DEAL. Parcel Out the Earth and Make Rules for Prices.

Special Cable Despatch to THE SUN LONDON, June 29 .- The Standard says that the principal English, Welsh and Scottish steel rail makers have entered into an agreement with competitors abroad with a view to safeguarding their respec-

tive spheres of influence. The United Kingdom and the colonies will be practically reserved for the British price fixed will be higher than the minimum established for South America, to meet the requirements of the American trust, while the Germans, Belgians and French will control the European markets.

This does not apply to competitors among the British manufacturers. The enhanced cost of raw material, which is now fully 20 per cent. higher than a year ago, has necessarily promoted the objects of this international combination.

## N. Y. CITY RAILWAY CO. MANAGER. William L. Derr to Become Its General

Superintendent. The New York City Railway Company announced vesterday the appointment of William L. Derr as general superintendent, to take effect July 1. He will have general charge of the street railway system of the

Mr. Derrisa graduate of the Pennsylvania Polytechnic College at Philadelphia and has been in railroad work since 1876. to last February he was superintendent of the Hartford division of the New York. New Haven and Hartford road. Since then he has been superintendent of the Chicago

#### and Alton at Bloomington, Ill. CHICAGO-PITTSBURG SPEED WAR. Pennsylvania and Vanderbilt Lines Cutting

Time and Rates. PITTSBURG, June 28 .- A speed war inaugurated here to-day between the Vanderbilt lines, represented by the Pittsburg and Lake Erie railroads, and the Pennsylvania Railroad in an effort to capture the passenger business between here

and Chicago.

The P. & L. E. recently put on a train that bent the Pennsylvania's Chicago train by five minutes. To-day the Pennsylvania announced that the schedule of its train will be cut one hour, beginning Sunday, thus beating the P. & L. E. service by fifty-five minutes.

The P. & L. E. is hauling passengers to Chicago for \$9, while the P. R. R. rate

TUNIS BERGEN BURR BANKRUPT.

Chief Liability. Tunis Bergen Burr, a brother of Senator Burr, yesterday filed a petition in bankruptcy in the United States Court in Brook-

86,000 Breach of Promise Judgment the

His sole liability mentioned is a \$6,000 judgment obtained against him nearly twenty years ago by Miss Nellie Anderson for breach of promise.

The judgment was not collected within the statutory limit, but Miss Anderson succeeded after protracted litigation in having

Divorce for Mrs. George Austin WHITE PLAINS, N. Y., June 28.-James G. Graham, as referee, to-day submitted a report in the divorce action brought by Mrs. Isabel Valle Austin against her husband, George Austin, a New York politician. Supreme Court Justice Tompkins granted an interlocutory decree to Mrs. Austin. The testimony was taken in secret and the

papers were sealed.

The Hudson River Day Line Steamer "Albany" makes Special Excursions to Po'keepsie one hour after first morning boat. Music.—Ade.

UTILITIES BOARDS NAMED

PRICE TWO CENTS.

WILLCOX TO HEAD THE NEW YORK CITY COMMISSION.

commations a Surprise to the Politicians -Seth Low's Advice Apparently Heeded -Osborne. Who Led the Revolt Against Hearst, on the Up-State Commission.

Gov. Hughes announced yesterday the members of the two commissions created by the passage of the public utilities act. This is the makeup of the two boards:

FIRST DISTRICT (NEW YORK CITY). William R. Willcox, Manhattan; William McCarroll, Brooklyn; Edward M. Bassett, Brooklyn; Milo Roy Maltbie, Manhattan; John E. Eustis, The Bronx.

SECOND DISTRICT (ALL OTHER COUNTIES IN THE STATE). Frank W. Stevens, Jamestown; Thomas Mott Osborne, Auburn;

Charles Hallam Keep, Buffalo; James E. Sague, New Hamburg: Martin C. Decker, New Paltz. Gov. Hughes had his up-State commission filled several days ago, but he had a great deal of trouble in making up the commission for this city He had determined all along not to name men whose only qualification was that they were politically prominent, and several men

he would have liked to have had on the

board declined the place on the ground

that it would take up the whole of their

time and that they could not afford it in spite of the \$15,000 salary Gov. Hughes had four out of the five members selected by Thursday morning. but as he found it hard to get the fifth man by long distance telephone from Albany he came to this city hurriedly on Thursday night and in conference with Postmaster Willoox and several other of his friends here he finally picked out the man. It is

understood that this last choice was Edward Although ex-Mayor Seth Low refused to accept a place on the local commission it is believed that he had a great deal to say in the makeup of that body. It is known that the Governor sought his advice and it was remarked that three of the members of the new body served in Mayor Low's administration and another, Mr. McCarroll. was appointed a member of one or two of Mayor Low's numerous honorary com-

The first meeting of the new board will be held on Monday at the office of the old Rapid Transit Commission, 22) Broadway. For a few weeks the commission will make its headquarters at that place, but later larger and more centrally situated offices will be opened. This will be needed, because the separate offices now maintained by the State Railroad Commission, the State Gas and Electricity Commission and the State gas inspectors will now be combined. There will undoubtedly be many changes made in the staffs of these departments, but as far as possible the commission will give the preference in making appointments to the men now holding places in these departments. Bion L. Burrows, secretary of the Rapid Transit Commission. is not a candidate for secretary to the new board. He will join the company which is to build a monorail road between Jersey City and Newark. Luther B. Little, cleri to the Republican State committee, is seeking the place of secretary to the commis

sion and the likelihood is that he will land it None of the commissioners was prepared to talk yesterday about policies or plans. Postmaster Willcox, who will be the chairman of the commission, said that he had sent his resignation to Washington as Post master and had asked that it should take effect on Sunday so that he would be free to take part in the organization of the

board at Monday's meeting. "All I care to say at this time." Mr. Willcox said, "is that the appointment came to me entirely unsought. The only policy I shall try to adopt will be to carry out the law as it is laid down in the public utilities bill. Even to start that law in good work ing order will probably keep us busy for at least six months. In fact I think if I had read the bill carefully before I took the appointment I doubt if I would have accepted it in view of the many obligation; that are placed upon the commission. So great are the responsibilities and so wide the scope of the work that it will be necessary for the members of the board to give up their whole time to the office. I under stand also that the Governor expects that the men he has placed on this commission will give their entire service to the work

of the board." Mr. Willcox had intended to leave for Europe in a week or two for an extended vacation, but he has given up the plan, and he said yesterday that the other members of the commission would forego their vacations this summer for the purpose of getting the new board in running order as speedily as possible. Mr. Willcox said he would leave the postal service with regret.

"No step I have ever taken," he said, has ever caused me so much sorrow as does the resignation of the office of Postmaster, but this offer from Gov. Hughes came to me in such a manner that I could not refuse it, and it will be my aim as a member of the commission to carry out everything that Gov. Hughes expects to be accomplished by his public service bill."

The fact that there is no member on the commission from Queens was a disappointment to the residents of that borough, but t can be stated that Gov. Hughes regarded Mr. Bassett as the representative of that part of the city. Mr. McCarroll is to be looked upon as the representative of Brooklyn. The Governor authorized the statement last night that it was his belief that his selections for the New York commission furnished the best solution possible of the demands of the transportation problem in the lower end of the State. The Governor expressed the opinion that although not all of the boroughs of the greater city had representatives on the commission the board nevertheless would give as close attention to the needs of Queens and Richmond as to those of the other boroughs.

William R. Willcox was born in Smyrna. N. Y., in 1863. He is a lawyer and a Republican. He is a graduate of the University of Rochester and was admitted to the bar in 1890 and began the practice of law in this city. His first political venture was running as a Republican candidate against O. H. P. Belmont for Congress in the Thirteenth district, a Democratic stronghold. This was in 1900. He was